

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 rvannest@kvn.com
CHRISTA M. ANDERSON - # 184325
3 canderson@kvn.com
DANIEL PURCELL - # 191424
4 dpurcell@kvn.com
633 Battery Street
5 San Francisco, CA 94111-1809
Telephone: (415) 391-5400
6 Facsimile: (415) 397-7188

7 KING & SPALDING LLP
BRUCE W. BABER (pro hac vice)
8 bbaber@kslaw.com
1185 Avenue of the Americas
9 New York, NY 10036
Tel: (212) 556-2100
10 Fax: (212) 556-2222

11 Attorneys for Defendant
GOOGLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,
16 Plaintiffs,
17 v.
18 GOOGLE, INC.,
19 Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF EDWARD A.
BAYLEY IN SUPPORT OF
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF JOINT
LETTER RE: ORACLE'S MOTION TO
COMPEL GOOGLE TO INCLUDE
ADDITIONAL ESI CUSTODIANS**

Judge: Hon. Donna M. Ryu

Date Filed: August 12, 2010

Trial Date: May 9, 2016

1 I, EDWARD A. BAYLEY, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am an
3 associate at the law firm of Kecker & Van Nest LLP, counsel to Google Inc. (“Google”) in the
4 above-captioned action. In accordance with Local Rule 79-5(d)(1)(A), I submit this declaration
5 in support of Google’s Administrative Motion to File Under Seal Portions of Joint Letter
6 Regarding Oracle’s Motion to Compel Google to Include Additional ESI Custodians. Dkt. 1386.
7 I have knowledge of the facts set forth herein, and if called upon as a witness, I could testify to
8 them competently under oath.

9 2. The redacted portion of the Joint Letter Regarding Oracle’s Motion to Compel
10 Google to Include Additional ESI Custodians contains Google’s sensitive, non-public financial
11 data. This includes the redacted material on page 2 of the Joint Letter (in the third paragraph of
12 Oracle’s statement) in the sentence beginning “There also is no question that” Public
13 disclosure of this information would cause great and undue harm to Google and place it at a
14 competitive disadvantage. The Court has previously granted Google’s requests to file under seal
15 similar financial information. *See, e.g.*, Dkt. No. 1375, Dkt. No. 935, Dkt. No. 1056, and Dkt.
16 No. 1122. This portion of the Joint Letter should therefore be filed under seal.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct to the best of my knowledge.

19 Executed this 25th day of November, 2015 at San Francisco, California.

21 By: /s/ Edward A. Bayley
22 EDWARD A. BAYLEY